

(5) THE APPLICANT OR LICENSEE IS GUILTY OF GROSS NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT WHILE PRACTICING LAND SURVEYING OR PROPERTY LINE SURVEYING;

(6) THE APPLICANT OR LICENSEE KNOWINGLY VIOLATES ANY PROVISION OF THE CODE OF ETHICS ADOPTED BY THE BOARD; OR

(7) THE APPLICANT OR LICENSEE KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE.

REVISOR'S NOTE: Items (1) and (3) through (7) of this section are new language derived without substantive change from former Art. 56, § 341(a) and (e).

Item (2) of this section and the reference to "attempts" in item (1) of this section are new language added to conform to almost all of the occupational licensing acts adopted by the General Assembly in the past several years. See, e.g., the comparable sections on disciplinary actions in the various titles of the Health Occupations Article. The General Assembly expressly decided that the language of these items was to be included in each of those sections as a fundamental ground for disciplining an applicant or licensee.

In the introductory language of this section, express reference to the members "then serving" is added to clarify the proportion of the Board at a given time.

Also in the introductory language of this section, the power to "deny a license" is a standard provision added to state expressly that which only was implied in the former law -- i.e., the Board may deny a license to an applicant who violates a disciplinary provision under this section.

Also in the introductory language of this section, the former power to "refuse to renew" a license is deleted as needless and misleading. Under SG § 10-404, if a licensee makes timely application for renewal, the license does not expire until the Board has acted on the application and the time for appeal has run. Under both SG § 10-405 and § 15-320 of this subtitle, ordinarily the Board must give the licensee an opportunity for a hearing before taking disciplinary action under this section. If the Board finds grounds for disciplinary action, it may suspend or revoke the license, and there is no need for a power to refuse renewal.

In item (3) of this section, the references to probation before judgment and to pleading guilty are